

**Call To Order**

The regular council meeting was called to order at 6:58 p.m. by Mayor John Busch. Vice Mayor Frith, Councilors Thebach, David and Waters were present. Staff present: City Administrator Randy Cagle, City Attorney Greg Einhorn, City Planner Scott Friend, City Engineer Dave Swartz, Local Government Consultant John Dougherty and Accounting Clerk/Administrative Assistant Marlee Mattos.

**1. COMMUNITY PARTICIPATION**

- A. Planning Commissioner Doug Arnold asked if Council Member Luke Waters would be stepping down from his post as a Planning Commissioner now that the empty Planning Commission seat had been filled and there were other interested parties to fill the seat currently held by Council Member Luke Waters? Mayor Busch asked Council Member Waters to reply to this question. Mr. Waters stated his intention was to step down from the Chairmanship of the Planning Commission when the empty seat was filled and then, when another interested community member was found, to resign from the Planning Commission altogether. He stated that is still his plan, but feels it would be counterproductive to have two new commissioners take office at the same time. He would like to stay on the commission until the newest member, Jose Rodriguez, has a firm grasp on his role in the commission before he gives up his seat.

Council moved to agenda item 5.A.

**5. NEW BUSINESS**

- A. Kari Wheeler spoke on behalf of the Biggs Christmas Decoration Committee requesting \$500 of city funding for replacement of some decorations as well as the purchase of incidental items necessary to decorate the downtown pocket park and B Street. Motion/Second to approve \$500 for Christmas Committee use. (Thebach/Frith, M/C/U)

Council moved to agenda item 2.A.

**2. DEPARTMENT REPORTS**

*A. Public Works:*

1. Public Works Commissioner Luke Waters gave council an in-depth verbal review of Public Works issues and accomplishments including an asphalt workshop scheduled by Biggs Public Works and attended by Public Works personnel from four cities and one company. He stated the Inventory List council requested would be written as the shop is being put back together after the repair of fire damage is completed.

*B. Planning Department:*

Verbal Update - City Planner Scott Friend stated SunWest Milling is planning to construct a new packaging/Blending facility in the industrial zoned area adjacent to the mill. He stated they would like to contract with an outside plan checking agency rather than dealing with the county for this service. They would contract with the outside agency on a fee for service basis. SunWest is requesting that the contract be with Wildan. Mr. Friend asked that an emergency item be placed on tonight's agenda to

authorize staff to enter into an agreement with an outside plan checking company.  
Motion/Second to place this emergency item on the agenda. (Busch/Frith, M/C, Abstain: David)

Motion/Second to authorize City Administrator and City Planner to enter into a one-time contract with an outside plan checking company for services related to the planned SunWest blending/packaging facility. (Frith/Busch, M/C, Abstain: David)

1. Mr. Friend explained the Williamson Act to council and stated one of the parcels on the proposed development map is a Williamson Act property and the owner wants to opt-out so plans for development can move forward. He stated the land owner and developer would like a letter of support for immediate cancellation of the Williamson Act for this property. Council discussed whether or not the city should draft a letter of support. Resident David Richins stated the city needs to stand-up and state they support growth. This letter of support will do that.

Motion/Second to direct staff to write a letter of support for immediate cancellation of Williamson Act for the Johnson parcel. (Frith/Waters, M/C, Noes: David)

2. Mr. Friend stated Butte Federal Credit Union has requested the city draft a letter stating the current ownership and uses of the city property known as "the Downtown Pocket Park" adjacent to the credit union. The credit union would like to place windows in the exterior wall facing the park which would require a variance from the County Building Department. Our letter would be used by the credit union to support their request for a variance. Motion/Second to direct staff to draft a non-committal letter to Butte Federal Credit Union. (Waters/Busch, M/C, Abstain: Frith, Noes: David)
3. Council received a written Code Enforcement Activity Report covering September 2005 to the present.
4. Mr. Friend stated the annual city calendar is being written. Council Members need to submit meeting dates to Erin for items to be included in the calendar.

*C. Fire Department:* - no items for action

*D. Police Department:*

1. See consent calendar.

*E. City Attorney:*

1. City Attorney Greg Einhorn advised council of the correct procedure for conducting community participation during public meetings. He stated council should not have dialog on any issue brought forth during community participation. Council should only thank the speaker and/or direct them to the correct body to handle their issue. He stated the city may want to reword the community participation header on the meeting agenda. Motion/Second to reword community participation header on meeting agendas. (Busch/Waters, M/C/U)

*F. Electric Department:*

1. Vice Mayor Roger Frith stated the name of the game with NCPA right now is litigation & legislation. He stated it's a constant fight to maintain control of municipal power. Vice Mayor Frith stated the price of power is going up, whether it's from coal, natural gas or renewable energy sources.

*G. City Engineer:*

1. City Engineer David Swartz gave council a presentation on the results of the pavement management study the council commissioned from his company. He stated during the upcoming projects where money will be spent on our streets, we should use this tool to help us spend that money as wisely as possible.
2. Mr. Swartz presented council with a written update on several projects including the following:
  - a. USDA Waterline Project.
  - b. Transportation Enhancement Project.
  - c. Safe Routes 2 School – 4<sup>th</sup> Cycle Award.
  - d. Willard Well Project.
  - e. Biggs Family Park Project. Mr. Swartz stated we are still on schedule pursuant to the contract. This is a 120 day contract and the contractor can also utilize rain days. Vice Mayor Frith expressed his dissatisfaction with the progress on this project and stated he does not want to see delays on other projects coming up such as the Waterline Project.
3. HOME Program Guidelines – Motion/Second to approve HOME Program Guidelines. (Waters/David, M/C/U)
4. Bicycle Transportation Plan. City Planner Scott Friend stated our current Bicycle Transportation plan which was prepared in 1998 by BCAG so that Biggs would be eligible for Bicycle Transportation Funds. Because of the age of our plan, we are no longer eligible for these funds. Staff is requesting council vote to reauthorize the existing plan.

Council moved to agenda item 3.B.

**3. RESOLUTIONS**

- B. *Resolution 2005-33* A Resolution Of The City Council Of The City Of Biggs Approving The Bicycle Transportation Plan And Authorizing The City Administrator Or Designee To Forward The Plan To The Butte County Association Of Governments (BCAG) And The California Department Of Transportation (CALTRANS) For Regional And State Approval. (David/Thebach, M/C/U)

Council moved to agenda item 2.H.1.

**2. DEPARTMENT REPORTS**

*H. City Administrator:*

1. Informational:

- a. Mr. Cagle advised council that the yearly pay increase for City Employees would be 3.5% based on the consumer price index and the cap established by the MOU.
  - b. Mr. Cagle stated with the rising cost of purchasing electricity to resell to our residents, we may have to increase electric rates by 10-15%. Mr. Cagle stated he may be back in January with a resolution to raise rates, but this has not yet been determined. Vice Mayor Frith stated we will look for ways we might be able to absorb a portion of the cost.
  - c. Mr. Cagle stated we are trying to get Mr. Phillip Carter, principal of PMC, here next month to give a presentation regarding growth and what we should expect as growth occurs. He stated it is a 45 minute presentation that is well worth listening to.
2. Project Advisory Committee – Mr. Cagle stated they had a meeting earlier and have decided the committee needs to be increased from the current 8 members to

approximately 15 members. He stated he asked each of the other 7 members to choose one person from the area, including the area where we would like to expand our sphere of influence. Candidates would have to be able to commit themselves to at least one meeting a month and lots of reading & research for the next 18 months.

**3. RESOLUTIONS**

- A. *Resolution 2005-34* A Resolution Of The City Council Of The City Of Biggs Adopting The National Incident Management System (NIMS). (David/Frith, M/C/U)

Council moved to agenda item 4.A.

**4. ORDINANCES**

- A. Motion/Second to approve second reading and adopt Ordinance No. 360 “An Ordinance Of The City Of Biggs Adopting A Zoning Ordinance Text Amendment – BMC Sections 14.110.060 and 14.115.060 – Modification Of Rear Yard Setback Standards Within The R-2 and R-3 Zoning Districts”. (Frith/Waters, M/C/U)

Council moved to agenda item 6.

**6. INFORMATIONAL**

- A. Council Member Luke Waters stated as Public Works Commissioner he would like to discuss buying vs. renting a tractor, float and asphalt hot oil machine for pavement repair. Council Member Waters advised council of the approximate cost of purchasing a used tractor, float and asphalt street oil machine. Mr. Waters stated there is no question about the asphalt street oil machine, if we are going to do street repair, we have to have this machine. He then advised council of the cost of renting the tractor & float, machinery that would be used less frequently.

Discussion followed regarding repair of the Massey Ferguson. Motion/Second to place an emergency item on this agenda regarding the immediate repair of the Massey Ferguson. (Frith/Busch, M/C, Abstain: David)

Motion/Second to authorize the City Administrator to have the Massey Ferguson repaired. The repairs must not exceed \$5,000 including the replacement of the clutch. (Waters/Frith, M/C/U)

- B. Mayor Busch stated he wanted to share with council and staff a letter of appreciation he received from Mary Ellen Severance thanking the city for the installation of a sign on the dead end block of Third Street, a request she had made at our last Town Hall Meeting.

## **7. CONSENT CALENDAR**

Council Member Roger David requested item B be pulled from the consent calendar for discussion. He asked Council Member Waters about a variance the Planning Commission approved for Rodney Roles. He asked if anyone else who requested a variance was going to get it. As a Planning Commissioner, Mr. Waters stated Mr. Roles had a preexisting non-conforming porch which he wants to upgrade by enclosing the porch with windows. The construction would not change the preexisting footprint of the structure.

Motion/Second to approve Consent Calendar, Item B. (Frith/Waters, M/C/U)

Motion/Second to approve the remainder of the Consent Calendar. (Frith/Thebach, M/C/U).

## **8. ADJOURNMENT**

- A. Meeting adjourned by mutual consent at 10:37 p.m.

ATTEST:

APPROVED:

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Deanna Carbajal  
City Clerk

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John G. Busch  
Mayor, City of Biggs